

Gouvernement du Québec

O.C. 645-2009, 4 June 2009

Courts of Justice Act
(R.S.Q., c. T-16)

**Pension plans
— Rate of contribution of the municipalities to
the supplementary benefits plans of the judges
of the municipal courts to whom the pension
provided for in Parts V.1 and VI of the Act**

Rate of contribution of the municipalities to the supplementary benefits plans of the judges of the municipal courts to whom the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act apply

WHEREAS, under the second paragraph of section 122.3 of the Courts of Justice Act (R.S.Q., c. T-16), the cost of the supplementary benefits plans of judges established by the Government under the second paragraph of section 122 of the Act is, in respect of the judges of the municipal courts to whom the pension plan provided for in Part V.1 or Part VI of the Act applies, borne by each municipality, respectively;

WHEREAS the rate of contribution of the municipalities to the supplementary benefits plan of the judges of the municipal courts to whom the pension plan provided for in Part V.1 of the Courts of Justice Act applies, has been set since 1 January 2005 by the fourth paragraph of section 21 of the Act to amend the Courts of Justice Act and the Act respecting municipal courts (2005, c. 41);

WHEREAS the rate of contribution of the municipalities to the supplementary benefits plan of the judges of the municipal courts to whom the pension plan provided for in Part VI of the Courts of Justice Act applies, has been set since 1 January 2005 by the second paragraph of section 22 of the Act to amend the Courts of Justice Act and the Act respecting municipal courts;

WHEREAS, under the first paragraph of section 122.3 of the Courts of Justice Act, at least once every three years, the Commission administrative des régimes de retraite et d'assurances causes an actuarial valuation of the supplementary benefits plan established under the second paragraph of section 122 of the Act to be prepared for the Minister of Justice by the actuaries it designates;

WHEREAS, in March 2007, the Commission administrative des régimes de retraite et d'assurances sent to the Minister of Justice the last actuarial valuation of the supplementary benefits plans of the judges of the municipal courts to whom the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act apply;

WHEREAS, under the third paragraph of section 122.3 of the Act, the Government determines, by order, at intervals of not less than three years, the rate of contribution of the municipalities to the plans which is based on the result of the last actuarial valuation of the plans;

WHEREAS, pursuant to the third paragraph of section 122.3 of the Act, the order may have effect from 1 January following the date on which the Minister of Justice receives the actuarial valuation or any later date fixed in the order;

WHEREAS it is expedient to amend the rates of contribution of the municipalities to the supplementary benefits plans;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the rate of contribution of the municipalities to the supplementary benefits plan of the judges of the municipal courts to whom the pension plan provided for in Part V.1 of the Courts of Justice Act applies, be set at the amount by which 28.79% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if the judge had not been granted leave without pay or leave with deferred pay, exceeds the rate of contribution of the municipality and the rate of contribution paid by the judge to the pension plan provided for in Part V.1 of the Act and any rate of contribution paid by the judge to the judge's supplementary benefits plan;

THAT the rate of contribution of the municipalities to the supplementary benefits plan of the judges of the municipal courts to whom the pension plan provided for in Part VI of the Courts of Justice Act applies, be set at 12.72% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if the judge had not been granted leave without pay or leave with deferred pay;

THAT this Order in Council have effect from 1 January 2008.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif